

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY  
TRANSPORTATION LICENSING COMMISSION**

**Minutes of**

**June 23, 2009**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Courthouse. The Commissioners present were Chair Helen Rogers and Commissioners Jennifer Brundige, Mary Griffin, Quenton White, and Tom Turner (5). Also attending were Metro Legal advisor Jon Michael; Commission staff members Walter Lawhorn, Milton Bowling and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

**Chair Helen Rogers** called the meeting to order. She led the Pledge of Allegiance and read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the May 26, 2009 meeting were approved.

**ANNUAL PUBLIC HEARING: EMERGENCY WRECKER ZONES**

**Chair Helen Rogers** noted that the purpose of this annual public hearing was to review the efficiency and suitability of the emergency wrecker service zones and to make such changes as traffic control and the welfare and safety of the public shall require. Director McQuiston reported that only request for a zone boundary change had been submitted – by Gary Ray, owner of Gary's Wrecker Service – but that it had been withdrawn at the request of Mr. Ray prior to the meeting.

**Chair Rogers** invited representatives from the Metropolitan Police Department, the Emergency Communications Center, and the TDOT Office of Incident Management to appear to present comments.

Lieutenant David Corman of the Metropolitan Police stated that his officers conducted the majority of crash investigations and enforcement of DUI and Aggressive Driver programs, so they had a good deal of contact with the emergency wrecker services. He stated that they had reported no problems with any of the emergency companies. Director McQuiston noted that he had received a written report from the Police Impound Lot, and that they had reported no problems with the emergency wrecker companies.

No representative from the Emergency Communications Center appeared.

Frank Horne, Director of the TDOT Office of Emergency Management, appeared. He explained TDOT's organization and role in emphasizing safe and quick clearance of incidents on interstate and state highways. He highlighted the goals: clearance of minor incidents within 30 minutes, which was currently achieved 85% of the time; and clearance of major incidents within 90 minutes, which was currently achieved 92% of the time. Emerson Boguskie, TDOT HELP Supervisor, also appeared. He emphasized the public safety importance of quick clearance. He noted that secondary crashes – those occurring because of traffic congestion and other problems created by primary highway incidents – caused 28% of all highway fatalities, nationwide. Mr. Boguskie reported that all emergency wrecker companies were doing a good job on minor incidents. As to major incident clearance, he noted that A.B. Collier had improved since his report at last year's public hearing. Mr. Boguskie concluded that Anchor Towing & Recovery and Dad's Towing were new zone operators, and that he had not yet worked with them. He asked the Commission to support quick clearance.

Director McQuiston stated that a report on all complaints received about the emergency wrecker companies during the prior year had been provided to Commissioners in their packets.

**Chair Rogers** invited representatives from the emergency wrecker companies to appear.

**Anchor Towing & Recovery:** Manager Nikki Brown appeared. She thanked the Commission for the opportunity to operate a zone.

**Bailey's Service Center:** Randy Bailey appeared. He informed the Commission, on behalf of the Davidson County Zone Towing Association, that recent changes in Metro Police

impoundment procedures had resulted in many fewer Police-directed tows; and that, combined with the slowing economy, business was down.

**Brown's Wrecker Service:** Gary Brown appeared. He noted that he had served out his suspension, and that he was again serving the zone. He stated that everything was going well in his zone.

**Carter's Wrecker Service:** Phillip Randle appeared. He reported that there were no problems in the zone.

**Chapman's Wrecker Service:** John Graham appeared. He again asked the Commission to consider looking at a boundary change, because his office was so close to his boundary line.

**A. B. Collier Wrecker Service:** David Dunn appeared. He stated that things were working well in his zone, and he was proud of his employees.

**Cotton's Towing:** Bobby Dean appeared. He reported that his company had towed about 155 vehicles for Metro Police during the past year – somewhat down from the prior year. He reported on the complaint received about his company.

**Dad's Towing:** Jim Mitchell appeared. He reported that the company had not experienced any problems in their first full month of operations as an emergency wrecker service.

**Donelson Wrecker Service:** Keith Shelton appeared, and reported no problems in the zone.

**Gary's Wrecker Service:** Gary Ray appeared. He stated his appreciation for the opportunity to temporarily provide service in the former NTR zone during the previous year.

**Hillwood Wrecker Service:** Director McQuiston stated that he had talked to Mrs. Shope by telephone, and that she would not be able to attend this meeting. He noted that there had been no complaints against the company during the previous year.

**Martin's Wrecker Service and Mike's Custom Towing:** Mike Martin appeared. He stated that business was down, but that there were no complaints.

**Smith Car Care Center:** Victor Smith appeared. He reported no problems.

**Tommy's Wrecker Service:** Tommy Goddard appeared, and reported no problems.

**Tow Pro:** David Williams appeared. He expressed appreciation for the opportunity to serve the zone, and reported no problems. He agreed that business was down.

**West Nashville Wrecker Service:** Larry Boggs appeared. He reported on recovery training provided by the company, and requested that Commissioners come to observe the next class, to be conducted in September. Mr. Boggs also expressed concern about communications related to accident locations, explaining that police officers calling in the locations to the ECC sometimes reported incorrect intersections or mile markers; as a result, that could result in unnecessary delays and confusion – especially if the call was directed to the wrong emergency zone company, and led to two wreckers arriving at the scene. He noted that the companies had been working these issues out, but that it was wasting resources, and could be improved through the use of GPS systems already deployed in police vehicles. Director McQuiston added that this was included in current police academy training for new officers, and that the Police might also consider including it in roll call training or in-service training.

**Chair Rogers** asked if there were any other persons who wanted to be heard.

Director McQuiston stated that a letter had been received from Damon Rahimi of Import Auto, Incorporated, recommending that all emergency wrecker companies be required to use the Tennessee Department of Revenue's web-based *Interactive Vehicle, Title, and Registration (IVTR)* system to identify vehicle owners/lien holders for prompt notification, in lieu of using the certified mail alternative. The director provided copies of the letter to Commissioners; and recommended that the issue be referred back to staff, because it would likely require a change to the Tennessee Code.

**Commissioner Tom Turner** moved to receive the request, and hear it at the next meeting. **Commissioner Mary Griffin** seconded, and the motion passed (4-0).

**Commissioner Tom Turner** moved to continue the current emergency wrecker zone assignments and zone boundaries. **Commissioner Mary Griffin** seconded, and the motion passed (4-0).

Mr. Rahimi appeared with his attorney, who disagreed with the director that the recommendation of his client required changing the law; but that it would only require enforcing existing law. **Chair Rogers** noted that the Commission had only received the information at this meeting, and would therefore place it on the agenda for the next meeting.

**Chair Rogers** closed the public hearing.

### **WRECKER COMPANY APPLICATION (NONCONSENT): DEGENHARDT ROADSIDE, LLC**

Kenneth Degenhardt, owner of Degenhardt Roadside, LLC appeared. He stated that his company had applied for a license to perform nonconsent towing in January, but that it had taken several months to get their lot approved by Metro Codes.

**Chair Helen Rogers** referred to the company's file, and noted that there had been a problem with the company's insurance being canceled. Mr. Degenhardt stated that he had changed from Progressive Insurance to Consumer's Insurance because they could offer a better rate. Director McQuiston stated that the Commission office had received a Notice of Cancellation from Consumer's on June 9. Mr. Degenhardt replied that he was certain that this had been paid. He noted that his insurance also covered his Pop-A-Lock business.

Inspector Bowling reported. He stated that he had received a complaint in late January that Pop-A-Lock, also known as Tow-N-Go, had performed a nonconsent tow of an abandoned car from Metro government property; he added that neither Pop-A-Lock nor Tow-N-Go was licensed at the time, and that the Impound Lot had no record of the tow. He stated that later that night he had stopped a Tow-N-Go wrecker driven by Larry Bryant, and issued him citation for operating a wrecker without the appropriate license and permits. He provided copies of one of the January 23 citations to Commissioners. He stated that Mr. Bryant had admitted to towing the vehicle earlier that day, and delivering it to the Bransford Avenue address of Pop-A-Lock. Inspector Bowling noted that the Bransford Avenue address was not a storage lot.

Inspector Bowling reported that on March 4 he had stopped Michael Hossman, who was towing a vehicle with an unlettered wrecker on Stewart's Ferry Pike. He stated that Mr. Hossman told him that he was driving for Tow-N-Go. Inspector Bowling noted that a general wrecker company license for Degenhardt Roadside LLC had been issued on January 26, but there was no license for Tow-N-Go. He provided copies of citations issued to Mr. Hossman.

Mr. Degenhardt responded that he had not known about all of the requirements earlier, when Mr. Bryant was stopped. He stated that Mr. Bryant had turned in an application for his driver permit, and the company had applied for a nonconsent license, on January 22. He added that when the company learned that they could not get a nonconsent license, they had reapplied for a general wrecker license; but had failed to reapply as Degenhardt Roadside LLC d/b/a Nashville Tow-N-Go. He also stated that the company had purchased the wrecker driven by Mr. Hossman only two weeks before, and he had not known that it had to be lettered. He stated that the company had made every effort to quickly correct any problems that were brought to their attention, and had not intentionally broken the law. He added that the abandoned car towed on January 23 had been at the request of his parents, who owned the property, and that a Metro Police officer had told them that it was not on public property.

Director McQuiston explained to Mr. Degenhardt that nonconsent towing of a vehicle, if not done correctly, was stealing the vehicle; this was why it was so important that any company applying to perform nonconsent towing must know and follow the laws very carefully. The director pointed out that this application had been referred to the Commission, because it was important that a company not get off to a rocky start in that business. He added that simply turning in an application for a permit or license was not sufficient to begin operations. He recounted the violations so far, and noted that the company only had a history of about six months in the towing business. Mr. Degenhardt agreed that a probationary license could be appropriate, noting that he had taken six months to get his locksmith license, and that he understood how important it was to follow the law very carefully.

**Commissioner Mary Griffin** asked the applicant to clarify if he now held a locksmith license; Mr. Degenhardt responded that he did. **Commissioner Griffin** expressed concern that he would not only be able to tow vehicles, but also to pick their locks. Mr. Degenhardt responded that the process for getting the locksmith license had been very rigorous. He stated that there were strict rules about receiving and authenticating vehicle owner

permission before he could unlock the car. He stated that every emergency wrecker company present unlocked cars. **Commissioner Griffin** noted that the other company owners were indicating that this was not true in their companies. Mr. Degenhardt stated that there were clear differences between the requirements for emergency roadside assistance and re-keying locks; these were related to whether the licenses allowed manipulating the inside of a lock, as opposed to manipulating the lock rod inside the door. **Commissioner Griffin** asked if his businesses were in the same location; Mr. Degenhardt responded that they were. **Commissioner Jennifer Brundige** asked how his office phone was answered; Mr. Degenhardt responded that they had separate telephone numbers for the towing business and the Pop-A-Lock business.

**Commissioner Griffin** expressed concern that the last documentation on insurance received by the Commission indicated that it was cancelled; and the name change had not yet been approved by the Secretary of State. She moved to disapprove the application. **Commissioner Brundige** seconded, and the motion passed (4-0).

### **WRECKER DRIVER PERMIT APPLICATIONS:**

**Venciel Esaw:** Mr. Esaw did not appear.

**Reginald Venson:** Mr. Venson did not appear.

### **TAXICAB DRIVER PERMIT APPLICATIONS:**

**Museveni Maliani:** Mr. Maliani appeared with Rod Brown, representing United Cab. Director McQuiston reported that Mr. Maliani had received an initial permit in May 2005; at an August 2005 disciplinary hearing, the Commission had suspended his permit for three months, and placed him on probation for three years. The director noted that Mr. Maliani had reapplied for a permit in March 2006, and then continued to drive until he allowed his permit to expire on September 30, 2007. In January 2008 Mr. Maliani had applied for a new permit, but a background check revealed an undisclosed August 2007 conviction; at a hearing in February 2008, the Commission had disapproved the application. The director stated that Mr. Maliani had applied for a new permit on February 3, 2009. He added that Mr. Maliani's application had been on the agenda for the May 26 meeting, but he had not appeared; the Commission had taken no action, so the application had been continued to this meeting. Director McQuiston stated that his driving citation record appeared to meet standards for a permit, but that Ms. Steelman had noted that Mr. Maliani would have to submit a new official driver record, because the one submitted with his application was now over thirty days old.

**Chair Helen Rogers** asked Mr. Maliani if he had a current driver's license; he stated that he did. He attempted to explain why he had been cited for failure to observe the "move over" law. He stated that he also had been cited for failure to provide proof of insurance. **Chair Rogers** asked if he had insurance now, and with which company. Mr. Maliani responded that he was going to drive a taxicab that belonged to someone else, and would be covered under their insurance. Mr. Brown stated that he believed a young man should be given a second chance, and that Mr. Maliani needed to work. **Chair Rogers** asked if he was going to supervise Mr. Maliani; Mr. Brown stated that he would. **Commissioner Tom Turner** moved to approve a permit until September 30, 2009, restricted to United Cab, and contingent upon receipt of an acceptable motor vehicle report. **Commissioner Quenton White** seconded, and the motion passed (4-0).

**Abdullahi Abdulle:** Mr. Abdulle did not appear.

**Commissioner Tom Turner** moved to disapprove the applications of Mr. Venson and Mr. Abdulle. **Commissioner Jennifer Brundige** seconded, and the motion passed (4-0).

### **OTHER BUSINESS:**

Randy Bailey informed Commissioners that Jimmy Carter, owner of Carter's Wrecker Service, had been hospitalized in April. He stated that Mr. Carter was back home now.

There was no further business, and the meeting was adjourned.

ATTEST:

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Brian E. McQuiston  
Director-Executive Secretary

APPROVED:

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Helen S. Rogers  
Chair